

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**JESUS ACOSTA ARTICA, JUAN ZELAYA, NILSON
CABALLERO, JOSE RUIZ, ADONIS LOBO and
ERNESTO GALEANO, Individually and on Behalf of all
other Employees Similarly Situated,**

Plaintiff,

-against-

**J.B. CUSTOM MASONRY & CONCRETE, INC., J.B.
BATTAGLIA, J.B. CONTRACTING, ALFREDO J.
BATTAGLIA, JOHN BATTAGLIA and SALVATORE
MANNINO, Jointly and Severally,**

Defendants.

ECF Case

09-CV-3796 (RER)

**JESUS ACOSTA ARTICA, JUAN ZELAYA, NILSON
CABALLERO, JOSE RUIZ, ADONIS LOBO, ERNESTO
GALEANO, HUGO RIVAS and JAIME RIVAS,
Individually and on Behalf of all other Employees Similarly
Situating,**

Plaintiff,

-against-

**J.B. CUSTOM MASONRY & CONCRETE, INC., J.B.
CUSTOM CORP., J.B. HOLDING & PROPERTY CORP.,
J.B. RESIDENTIAL, LLC, ALFREDO J. BATTAGLIA,
JOHN BATTAGLIA, JOSEPHINE BATTAGLIA and
SALVATORE MANNINO, Jointly and Severally,**

Defendants.

11-CV-0842 (RER)

**NOTICE OF PLAINTIFFS' MOTION TO SET ASIDE
DEFENDANTS' FRAUDULENT CONVEYANCES**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declarations of
Brent E. Pelton, Esq. and Taylor B. Graham, Esq., and all pleadings and supporting materials

filed herein, Plaintiffs, by and through their counsel, hereby move this court for an for an order pursuant to Fed. R. Civ. P. 69(a) and New York's C.P.L.R. § 5225(b):

- (1) declaring certain conveyances of property made by the Judgment Debtors to be fraudulent conveyances pursuant to New York Debtor & Creditor Law ("NYDCL") §§ 273, 273-a, 274, 275 and 276;
- (2) setting aside the fraudulent conveyances and causing the conveyed property to be returned to the Judgment Debtors;
- (3) directing Judgment Debtors to turn over to the Plaintiffs all of the property conveyed necessary to satisfy the outstanding judgment in favor of Plaintiffs; and
- (4) any other such remedy the Court deems justified.

PLEASE TAKE FURTHER NOTICE that the motion will be heard at 255 Cadman Plaza East, Brooklyn, New York 11201 in the courtroom of the Honorable Ramon E. Reyes, Jr., United States Magistrate Judge, at a time to be set by the Court.

Dated: New York, New York
January 22, 2013

Respectfully submitted,

PELTON & ASSOCIATES, PC

By: /s/Brent E. Pelton
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Attorneys for Plaintiffs/Judgment Creditors